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Attorneys for Defendant,
UNIVERSAL CITY STUDIOS LLC (sued and served as Doe 1)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANGEL CIRILO,

Plaintiff,

vs.

NBCUNIVERSAL THEME PARK;
NBCUNIVERSAL, LLC; UNIVERSAL
STUDIOS; COMCAST
CORPORATION; and DOES 1
THROUGH 100, Inclusive,

Defendants.

Case No.: 2:22-cv-3249

[Assigned to _____]

**NOTICE OF REMOVAL OF CIVIL
ACTION UNDER 28 U.S.C. § 1441(b)**

(Removed from Los Angeles County
Superior Court Case No.
20STCV36095)

(Diversity Jurisdiction; 28 U.S.C. §§
1332, 1441, and 1446)

[Declarations of Gabriela Kornzweig
and Jaion Chung; Certificate of
Interested Parties and Corporate
Disclosure Statement; and Civil Cover
Sheet filed concurrently herewith]

TO THE CLERK AND ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that Defendant, UNIVERSAL CITY STUDIOS LLC (sued and served as Doe 1) (“DEFENDANT”), hereby removes the action entitled, *Angel Cirilo v. NBCUniversal Theme Park, et al.*, from the Superior Court of the State of California for the County of Los Angeles (Case No. 20STCV36095) to the United States District Court for the Central District of California, Western Division. Removal of this action is proper under 28 U.S.C. §§1332, 1441(b), and 1446 for the reasons set forth below.

1. **JURISDICTION.** This action is a civil action over which this Court has

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1 original jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a)
 2 and is one that may be removed to this Court by DEFENDANT pursuant to 28 U.S.C.
 3 § 1441(b) because it is a civil action between citizens of different states and the
 4 amount in controversy exceeds \$75,000.00, exclusive of interest and costs, as set forth
 5 below.

6 2. On September 22, 2020, Plaintiff, ANGEL CIRILO (“PLAINTIFF”),
 7 filed the above-entitled civil action against Defendants, NBCUNIVERSAL THEME
 8 PARK; NBCUNIVERSAL, LLC; UNIVERSAL STUDIOS; COMCAST
 9 CORPORATION; and DOES 1 through 100 in the Superior Court of the State of
 10 California for the County of Los Angeles, Case No. 20STCV36095. The United States
 11 District Court for the Central District of California, Western Division, embraces the
 12 county where this action is pending.

13 3. On January 10, 2022 (almost 16 months after initiating the present
 14 lawsuit), PLAINTIFF served the Complaint, Summons, and Statement of Damages
 15 on Defendant, Comcast Corporation. Copies of the documents served along with the
 16 proof of service are collectively attached hereto as **Exhibit “A.”**

17 4. On January 10, 2022, PLAINTIFF served the Complaint, Summons, and
 18 Statement of Damages on Defendant, NBCUniversal, LLC. The Summons,
 19 Complaint, Statement of Damages and Orders are duplicative to the documents served
 20 on Defendant, Comcast Corporation. *See* Declaration of Jaion Chung, filed
 21 concurrently herewith (“Chung Decl.”) ¶ 5. A copy of the proof of service is attached
 22 hereto as **Exhibit “B.”**

23 5. On January 11, 2022, PLAINTIFF served the Complaint, Summons, and
 24 Statement of Damages on Defendant, “NBCUniversal Theme Park.” The Summons,
 25 Complaint, Statement of Damages and Orders are duplicative to the documents served
 26 on Defendant, Comcast Corporation. *See* Chung Decl., ¶ 6 A copy of the proof of
 27 service is attached hereto as **Exhibit “C.”**

28 6. On January 18, 2022, PLAINTIFF served the Complaint, Summons, and

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1 Statement of Damages on Defendant, “Universal Studios.” The Summons,
 2 Complaint, Statement of Damages and Orders are duplicative to the documents served
 3 on Defendant, Comcast Corporation. *See* Chung Decl., ¶ 7. A copy of the proof of
 4 service is attached hereto as **Exhibit “D.”**

5 7. On January 19, 2022, counsel for PLAINTIFF was advised that none of
 6 the defendants named in the Summons and Complaint are the proper entities and that
 7 the proper entity is “Universal City Studios LLC” for any claims arising out of the
 8 Universal Studios theme park in Southern California. *See* Chung Decl., ¶ 8.

9 8. On or about March 31, 2022, PLAINTIFF filed an Amendment to the
 10 Complaint substituting “UNIVERSAL CITY STUDIOS, LLC” in place of “Doe 1.”
 11 A copy of the Amendment is attached hereto as **Exhibit “E.”**

12 9. On or about April 12, 2022, PLAINTIFF submitted a Request for
 13 Dismissal to the Court dismissing Defendants, NBCUNIVERSAL THEME PARK;
 14 NBCUNIVERSAL, LLC; UNIVERSAL STUDIOS; and COMCAST
 15 CORPORATION. A copy of the Request for Dismissal is attached hereto as **Exhibit**
 16 **“F.”**

17 10. On or about April 12, 2022, PLAINTIFF served DEFENDANT with the
 18 Summons, Complaint, Amendment, and Statement of Damages. A copy of the Notice
 19 and Acknowledgement of Receipt – Civil regarding service on DEFENDANT is
 20 attached hereto as **Exhibit “G.”**

21 11. On May 11, 2022, DEFENDANT filed an answer to the complaint. A
 22 copy of the answer is attached hereto as **Exhibit “H.”**

23 12. **REMOVAL IS TIMELY.** This Notice of Removal is filed timely as it
 24 is within thirty days of DEFENDANT’S receipt of the Summons, Complaint, and
 25 PLAINTIFF’S Statement of Damages disclosing to DEFENDANT the amount in
 26 controversy alleged by PLAINTIFF. DEFENDANT now possesses the requisite
 27 knowledge and documentation to ascertain the proper grounds for diversity
 28 jurisdiction removal. 28 U.S.C. §§ 1446(b)(3).

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13. The one-year limit imposed by 28 U.S.C. § 1446(c)(1) is inapplicable as PLAINTIFF acted in bad faith by failing to serve any defendant for approximately 16 months after initiating the present action, long after passage of the one-year time deadline. *See NKD Diversified Enterprises, Inc. v. First Mercury Ins. Co.*, No. 1:14-CV-00183-AWI, 2014 WL 1671659, at *3 (E.D. Cal. Apr. 28, 2014) report and recommendation adopted, No. 1:14-CV-00183-AWI, 2014 WL 2619599 (E.D. Cal. June 6, 2014) (“the one year limitation [is] procedural and can be excused upon a showing of bad faith.”)

14. **DIVERSITY OF CITIZENSHIP.** The state action is a civil action over which this Court has original diversity jurisdiction under 28 U.S.C. § 1332(a), for the following reasons:

15. Plaintiff’s Citizenship. In the Ninth Circuit, the determination of an individual’s citizenship involves a number of factors, including the individual’s “current residence” and “place of employment.” *Lew v. Moss*, 797 F.2d 747, 750 (9th Cir. 1986); *Martinez v. Michaels*, No. CV 15-02104 MMM, 2015 WL 4337059, at *4 (C.D. Cal. July 15, 2015) (citizenship requirement satisfied where plaintiff “currently live[d] in California and worked for [defendant] in California from 2006 until his termination”); *Christ v. Staples, Inc.*, No. CV 14-07784 MMM, 2015 WL 248075, at *3-4 (C.D. Cal. Jan. 20, 2015) (citizenship requirement satisfied where, inter alia, plaintiff “lived and worked in California for approximately fifteen years”); *Carmax Auto Superstores Cal. LLC v. Hernandez*, 94 F. Supp.3d 1078, 1091 n.38 (C.D. Cal. 2015) (“Allegations that a party has an extensive and continuous period of residence and employment in a state are sufficient to establish that the party is a citizen of the state.”).

16. DEFENDANT is informed and believes, and thereon alleges, that PLAINTIFF has been, and remains currently, a resident of California. *See* Chung Decl. ¶ 13. Accordingly, for purposes of diversity jurisdiction, PLAINTIFF is a citizen of the State of California. Furthermore, PLAINTIFF filed the instant Complaint in the

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1 Superior Court of the State of California in Los Angeles County, further availing
 2 himself of California's judicial resources and indicating his intent to remain in
 3 California. *See* Complaint, *in passim*.

4 17. Defendant's Citizenship. A limited liability company ("LLC") is a
 5 citizen of every state of which its members are citizens. *See, e.g., Johnson v. Columbia*
 6 *Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) ("We . . . join our sister
 7 circuits and hold that, like a partnership, an LLC is a citizen of every state of which
 8 its owners/members are citizens."). For diversity analysis, it is not relevant where an
 9 LLC is incorporated or where it has its principal place of business. *See, e.g., Alatorre*
 10 *v. Wastequip Mfg. Co., LLC*, 2012 WL 6628955, at *4 (E.D. Cal. December 19, 2012)
 11 ("LLC's citizenship is . . . determined not by reference to its principal place of business
 12 and state of incorporation . . . but by citizenship of its owners and members.").

13 18. For purposes of removal, diversity of citizenship is determined at the
 14 time the action is filed and at the time of removal. *See Strotek Corp. v. Air Transport*
 15 *Ass'n of America*, 300 F.3d 1129, 1131-32 (9th Cir. 2002).

16 (a) DEFENDANT was at the time of filing of this action, and is now,
 17 a limited liability company organized under the laws of the State of Delaware. *See*
 18 Declaration of Gabriela Kornzweig, filed concurrently herewith ("Kornzweig Decl.")
 19 ¶ 5. DEFENDANT consists of two members: (1) VUE NewCo LLC and (2) Universal
 20 Studios Company LLC. Both entities are limited liability companies organized under
 21 the laws of the State of Delaware. *Id.* The sole member of VUE NewCo LLC is USI
 22 Entertainment LLC, a limited liability company organized under the laws of the State
 23 of Delaware. *Id.*, ¶ 6. The sole member of USI Entertainment LLC is Universal
 24 Studios Company LLC, a limited liability company organized under the laws of the
 25 State of Delaware. *Id.*, ¶ 7.

26 (b) Universal Studios Company LLC is directly held by NBCU
 27 Acquisition Sub LLC, and NBCU Acquisition Sub LLC is a direct subsidiary of
 28 NBCUniversal Media, LLC. Both Universal Studios Company LLC and NBCU

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1 Acquisition Sub LLC are limited liability companies organized under the laws of the
2 State of Delaware. Id., ¶ 8.

3 (c) The sole member of NBCUniversal Media, LLC is
4 NBCUniversal, LLC, a limited liability company organized under the laws of the
5 State of Delaware. Id., ¶ 9.

6 (d) The members of NBCUniversal, LLC are (i) Comcast Navy
7 Acquisition, LLC, a limited liability company organized under the laws of the state
8 of Delaware; (ii) Comcast Navy Contribution, LLC, a limited liability company
9 organized under the laws of the state of Delaware; (iii) NBCUniversal Enterprise,
10 Inc., which is incorporated in Delaware and has its principal place of business in
11 Philadelphia, Pennsylvania; (iv) Comcast DW Holding, Inc., which is incorporated in
12 Delaware and has its principal place of business in Philadelphia, Pennsylvania; (v)
13 Comcast CCW Holdings, LLC, a limited liability company organized under the laws
14 of the state of Delaware; (vi) Comcast Snap Holdings II, LLC, a limited liability
15 company organized under the laws of the state of Delaware; and (vii) SNL
16 Entertainment Holdings, Inc., a Delaware corporation with its principal place of
17 business in Philadelphia, Pennsylvania. Kornzweig Decl., ¶ 10.

18 (c) Comcast Corporation is the operating entity for NBCUniversal
19 Enterprise, Inc., and all its operational, executive, administrative, and policymaking
20 functions, high level officers, and day-to-day operations are conducted at Comcast
21 Corporation's corporate headquarters in Philadelphia, Pennsylvania. Kornzweig
22 Decl., ¶ 11.

23 (d) Comcast Corporation is the operating entity for (i) SNL
24 Entertainment Holdings, Inc. and (ii) Comcast DW Holding, Inc., and all of their
25 operational, executive, administrative, and policy-making functions, high level
26 officers, and day-to-day operations are conducted at Comcast Corporation's
27 corporate headquarters in Philadelphia, Pennsylvania. Kornzweig Decl., ¶ 13.

28 (e) The members of Comcast CCW Holdings, LLC and Comcast

1 Snap Holdings II, LLC are (i) Comcast Navy Acquisition, LLC, and (ii) Comcast
 2 Snap Holdings, Inc., a Delaware corporation with its principal place of business in
 3 Philadelphia, Pennsylvania. Comcast Corporation is the operating entity for Comcast
 4 Snap Holdings, Inc., and all of its operational, executive, administrative, and policy-
 5 making functions, high level officers, and day-to-day operations are conducted at its
 6 corporate headquarters in Philadelphia, Pennsylvania. Kornzweig Decl., ¶ 14.

7 (f) The sole member of Comcast Navy Acquisition, LLC is Comcast
 8 Corporation. Kornzweig Decl., ¶ 15.

9 (g) The members of Comcast Navy Contribution, LLC are (i)
 10 Comcast SportsNet New England Holdings, LLC, a limited liability company
 11 organized under the laws of the state of Delaware; (ii) Comcast SportsNet
 12 Philadelphia Holdings, LLC, a limited liability company organized under the laws of
 13 the state of Delaware; (iii) Versus Holdings, LLC, a limited liability company
 14 organized under the laws of the state of Delaware; (iv) Comcast CHC, LLC, a limited
 15 liability company organized under the laws of the state of Delaware; (v) Comcast
 16 Contribution Holdings, LLC, a limited liability company organized under the laws
 17 of the state of Delaware; and (vi) E! Holdings, Inc., a Delaware corporation, with its
 18 principal place of business in Philadelphia, Pennsylvania. Kornzweig Decl., ¶ 16.

19 (h) Comcast Corporation is the operating entity for E! Holdings, Inc.,
 20 and all of its operational, executive, administrative, and policy-making functions,
 21 high level officers, and day-to-day operations are conducted at its corporate
 22 headquarters in Philadelphia, Pennsylvania Kornzweig Decl., ¶ 17.

23 (i) The members of Comcast SportsNet New England Holdings, LLC
 24 are (i) Comcast SportsNet NE Holdings, Inc., a Delaware corporation with its
 25 principal place of business in Philadelphia, Pennsylvania; and (ii) CSNNE Partner,
 26 LLC, a limited liability company organized under the laws of the state of Delaware.
 27 Kornzweig Decl., ¶ 18.

28 (j) Comcast Corporation is the operating entity for Comcast

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1 SportsNet NE Holdings, Inc., and all of its operational, executive, administrative and
 2 policymaking functions, high level officers, and day-to-day operations are conducted
 3 at its corporate headquarters in Philadelphia, Pennsylvania. Kornzweig Decl., ¶ 19.

4 (k) The members of Comcast SportsNet Philadelphia Holdings, LLC
 5 are (i) Comcast Holdings Corporation, a Pennsylvania corporation with its principal
 6 place of business in Pennsylvania; and (ii) Comcast Spectacor Holding Company,
 7 LLC, a limited liability company organized under the laws of the state of Delaware.
 8 The sole member of Comcast Spectacor Holding Company, LLC is Comcast Holdings
 9 Corporation. Kornzweig Decl., ¶ 20.

10 (l) Comcast Corporation is the operating entity for Comcast Holdings
 11 Corporation, and all of its operational, executive, administrative, and policymaking
 12 functions, high level officers, and day-to-day operations are conducted at its corporate
 13 headquarters in Philadelphia, Pennsylvania. Kornzweig Decl., ¶ 21.

14 (m) The members of Versus Holdings, LLC are (i) Comcast Holdings
 15 Corporation; and (ii) E! Holdings, Inc. Kornzweig Decl., ¶ 22.

16 (n) The sole member of Comcast CHC, LLC is Comcast Holdings
 17 Corporation. Kornzweig Decl., ¶ 23.

18 (o) The sole member of Comcast Contribution Holdings, LLC is
 19 Comcast Corporation. Kornzweig Decl., ¶ 24.

20 (p) The sole member of CSNNE Partner, LLC is Comcast Holdings
 21 Corporation. Kornzweig Decl., ¶ 25.

22 (q) Accordingly, for purposes of determining diversity,
 23 DEFENDANT, whose members are organized under the laws of Delaware or
 24 Pennsylvania, is regarded as a citizen of Delaware and Pennsylvania.

25 19. Defendants Does 2 through 100 are fictitious. The Complaint does not
 26 set forth the identity or status of fictitious Defendants 2 through 100. Thus, pursuant
 27 to 28 U.S.C. § 1441(a), the citizenship of defendants sued under fictitious names must
 28 be disregarded for purposes of determining diversity jurisdiction and cannot destroy

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1 the diversity of citizenship between the parties in this action. *See Newcombe v. Adolf*
 2 *Coors Co.*, 157 F.3d 686, 690-91 (9th Cir. 1998).

3 20. DEFENDANT is informed and believes, and thereon alleges, that no
 4 other “Doe” defendants have been served with a Summons and/or the Complaint in
 5 the State Court Action. *See Chung Decl.* ¶ 14. Accordingly, this action may be
 6 removed by DEFENDANT to federal court pursuant to 28 U.S.C. Section 1441.

7 21. Therefore, PLAINTIFF and DEFENDANT are citizens of different
 8 States.

9 22. **AMOUNT IN CONTROVERSY.** In measuring the amount in
 10 controversy, a court must assume that the allegations of the complaint are true and
 11 that a jury will return a verdict for the plaintiff on all claims made in the complaint.
 12 *See Kenneth Rothschild Trust v. Morgan Stanley Dean Witter*, 199 F. Supp.2d 993,
 13 1001 (C.D. Cal. 2002). The Court must consider all recoverable damages, including
 14 liquidated damages, punitive damages, and attorneys’ fees authorized by statute. *See*
 15 *Kroske v. US Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005).

16 23. DEFENDANT’S notice of removal only needs to include a plausible
 17 allegation that the amount in controversy exceeds the jurisdictional threshold. *See*
 18 *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 554 (2014). The
 19 standard for determining whether Defendant meets its burden of establishing the
 20 amount in controversy is the preponderance of the evidence. *See Cagle v. C&S*
 21 *Wholesale Grocers, Inc.*, 2014 WL 651923, at *5 (E.D. Cal. Feb. 19, 2014). Under
 22 this standard, “the removing party’s burden is ‘not daunting,’ and defendants are not
 23 obligated to ‘research, state, and prove the plaintiff’s claims for damages.’” *Behrazfar*
 24 *v. Unisys Corp.*, 687 F. Supp.2d 999, 1004 (C.D. Cal. 2009) (quoting *Korn v. Polo*
 25 *Ralph Lauren Corp.*, 536 F. Supp.2d 1199, 1204-05 (E.D. Cal. 2008)). When a
 26 “[d]efendant’s calculations [are] relatively conservative, made in good faith, and
 27 based on evidence wherever possible,” the court may find that the “[d]efendant has
 28

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1 established by a preponderance of the evidence that the amount in controversy” is
 2 met. *Id.* (internal citations omitted).

3 24. Here, the Court can ascertain from PLAINTIFF’S Complaint, his prayer
 4 for relief, and his Statement of Damages that the amount in controversy exceeds
 5 \$75,000.00. Without admitting the validity of PLAINTIFF’S two (2) causes of action
 6 (all of which are expressly denied by DEFENDANT), the amount in controversy is in
 7 excess of \$75,000, exclusive of interest and costs. DEFENDANT meets its burden
 8 based on the following.

9 25. Special Damages: The Complaint alleges PLAINTIFF is seeking “wage
 10 loss, “loss of earning capacity,” and “hospital and medical expenses” in an amount
 11 “according to proof.” *See* Complaint, at 3, ¶¶ 11, 14. PLAINTIFF contends in his
 12 Statement of Damages that he is seeking \$2,000,000 in special damages. **Ex. G**
 13 [Statement of Damages] at 1.

14 26. General Damages. The Complaint alleges PLAINTIFF is seeking
 15 “general damage” “according to proof.” *See* Complaint, at 3, ¶¶ 11, 14. PLAINTIFF
 16 contends in his Statement of Damages that he is seeking \$3,000,000 in general
 17 damages. **Ex. G** [Statement of Damages] at 1.

18 27. DEFENDANT denies that PLAINTIFF’S claims have any merit.
 19 DEFENDANT also denies that PLAINTIFF suffered any damages. However, when
 20 the relief sought (i.e., past medical expenses, future medical expenses, future loss of
 21 earning capacity, emotional distress, pain, suffering, and inconvenience, and loss of
 22 consortium is taken as a whole, the amount in controversy for PLAINTIFF’S claims
 23 exceeds the \$75,000.00 jurisdiction requirement, exclusive of interest and costs.

24 28. Based upon the foregoing, the amount in controversy in this matter far
 25 exceeds the jurisdictional minimum of \$75,000.00. Accordingly, this action is a civil
 26 action over which this Court has original jurisdiction pursuant to 28 U.S.C. Section
 27 1332, and which may be removed to this Court by DEFENDANT pursuant to 28
 28 U.S.C. Section 1441 based on diversity jurisdiction.

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1 29. **VENUE.** Removal to this Court is proper because this District includes
2 the County where the state action is pending.

3 30. By filing this Notice of Removal, DEFENDANT does not intend to
4 waive, and hereby reserves, any objection as personal jurisdiction, and all other
5 defenses.

6 31. This Notice of Removal is being served on PLAINTIFFS' counsel on
7 this date. DEFENDANT will promptly file a copy of this Notice of Removal with the
8 Clerk of Superior Court of the State of California for the County of Los Angeles.

9 32. This removal is brought by all served Defendants. 28 U.S.C. §
10 1446(b)(2)(A).


11 ///

12 ///

13
14 WHEREFORE, this action is hereby removed from the Superior Court of the
15 State of California for the County of Los Angeles to the United States District Court
16 for the Central District of California, Western Division.

17 DATED: May 12, 2022

POOLE • SHAFFERY

18
19
20 By: 
21 Jaion Chung, Esq.
22 Attorneys for Defendant, UNIVERSAL
23 CITY STUDIOS LLC
24
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27
28

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PROOF OF SERVICE

(F.R.Civ.P. Rule 5(b); U.S.D.C., C.D. Cal., L.R. 5-3; C.C.P. §§ 1013a, 2015.5)

Angel Cirilo v. NBCUniversal Theme Park, et al.
Los Angeles Superior Court Case No. 20STCV36095

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and not a party to the within action; my business address is 25350 Magic Mountain Parkway, Suite 250, Santa Clarita, CA 91355; my email address is mdreher@pooleshaffery.com.

On May 12, 2022, I served the foregoing document described as: **NOTICE OF REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. § 1441(b)**, on the interested parties in said action in a sealed envelope addressed as follows:

Daniel D. Geoulla
daniel@bdinjurylawgroup.com
B&D LAW GROUP, APLC.
10700 Santa Monica Blvd.
Suite 200
Los Angeles, CA 90025
E: teamlit1@bdinjurylawgroup.com

T: 310-424-5252
F: 310-492-5855

☒ By Mail [Federal] I placed such envelope with postage thereon fully prepaid in the United States mail at Santa Clarita, California.

☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed below

☐ I caused said document(s) to be transmitted by email to each addressee set forth below on this date. The transmission of this document was complete and without error.

☐ I caused such envelope to be delivered via overnight delivery to the party(ies) listed on the attached mailing list.

Executed on May 12, 2022, at Santa Clarita, California.

☐ [State] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ [Federal] I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made.


Morgan Dreher, Declarant